

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER A. BERNARD and WYNTON
BERNARD,

Plaintiffs,

v.

PHILLIP A. IGNELZI *in his official and
individual capacity,*

Defendant.

Civil Action No. 2:23-cv-1463

Hon. William S. Stickman IV

ORDER OF COURT

AND NOW, this 21st day of August 2023, IT IS HEREBY ORDERED that the hearing on Plaintiffs' Motion for Temporary Restraining Order and/or Preliminary Injunction (ECF No. 1-1) previously scheduled for August 24, 2023 at 10:00 a.m. is CANCELLED. Despite multiple attempts, the Court has been unable to contact *pro se* Plaintiff Walter Bernard (individually and as attorney for Wynton Bernard) with respect to scheduling and logistics. It has come to the attention of the Court that Plaintiff Walter Bernard remains incarcerated for contempt of court in the state court proceeding described in the complaint and pending in the Court of Common Pleas of Allegheny County at *9795 Perry Highway Management LLC v. Bernard et al.*, GD-20-007843. The Court will reschedule the hearing when requested by Plaintiffs.

IT IS FURTHER ORDERED that Plaintiffs shall submit a brief on or before September 5, 2023, addressing whether this Court must abstain from exercising jurisdiction in this case pursuant to the abstention doctrine enunciated by *Younger v. Harris*, 401 U.S. 37 (1971) and applied to state-court contempt proceedings by *Juidice v. Vail*, 430 U.S. 327 (1977). Plaintiffs'

brief shall not exceed twenty (20) pages. Defendant may file a responsive brief, with the same page limitation, on or before September 19, 2023.

IT IS FURTHER ORDERED that Walter Bernard (individually and as attorney for Wynton Bernard) shall serve a copy of this Order upon Defendant and file a proof of service of the same with the Court.

BY THE COURT:


WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE